

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

LINDA ORTIZ CONTRERAS	§	
	§	
V.	§	CIVIL ACTION NO. 4:21-cv-1877
	§	JURY DEMANDED
TJX COMPANIES, INC., TJX	§	
COMPANIES, INC. D/B/A MARSHALLS,	§	
MARSHALLS OF MA, INC., JOHN/JANE	§	
DOES AND JOHN/JANE DOE	§	

**DEFENDANTS THE TJX COMPANIES, INC. AND MARSHALLS OF MA, INC.’S
NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES DISTRICT COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants, The TJX Companies, Inc., incorrectly named as TJX Companies, Inc. d/b/a Marshalls, and Marshalls of MA, Inc. (“Defendants”), file their notice of removal of this civil action to the United States District Court for the Southern District of Texas, Houston Division. In support of this Notice of Removal, Defendants respectfully show as follows:

1. On April 29, 2021, Plaintiff Linda Ortiz Contreras (“Plaintiff”) filed her Original Petition in Cause No. 2021-25827; *Linda Ortiz Contreras v. TJX Companies, Inc., TJX Companies, Inc. d/b/a Marshalls, Marshalls of MA, Inc., John/Jane Doe and John/Jane Doe*, in the 215th Judicial District Court of Harris County, Texas, naming as Defendants, The TJX Companies, Inc., TJX Companies, Inc. d/b/a Marshalls, Marshalls of MA, Inc., John/Jane Doe and John/Jane Doe. Plaintiff’s return of service indicates that citation was served on Defendant The TJX Companies, Inc. by serving the Texas Secretary of State on May 14, 2021. See Exhibit A, an index of documents filed in the state court proceeding. Plaintiff’s return of service indicates that citation

was served on Defendant Marshalls of MA Inc. by serving the Texas Secretary of State on May 14, 2021. *See id.* Plaintiff's return of service indicates that citation was served on Defendant TJX Companies, Inc., d/b/a Marshalls, incorrectly named in this suit, by serving the Texas Secretary of State on May 14, 2021. *See id.* Therefore, Defendants' notice of removal is timely under 28 U.S.C. § 1446(b).2. True and correct copies of all documents filed in the state court proceeding are attached hereto and incorporated herein by reference. *See id.* A list of all counsel of record is attached hereto and incorporated herein by reference in accordance with Local Rule 81. *See* Exhibit B.

2. Defendants would show that this case is removable under 28 U.S.C. § 1441, and the Court has jurisdiction over this matter, because this suit involves a controversy between citizens of different states and the amount in controversy, exclusive of interests and costs, exceeds \$75,000.00. *See* 28 U.S.C. §§ 1332 and 1441.

3. There is complete diversity between the parties. At the time of the filing of this action, and at the time of removal, Plaintiff was and is a citizen of the State of Texas. Defendants The TJX Companies, Inc. and Marshalls of MA, Inc., the entities that own and operate the store where the incident occurred, was and are corporations incorporated under the laws of the State of Delaware, with their principal place of business at 770 Cochituate Road, Framingham, MA 01701. At the time of the filing of this Notice, Defendants John/Jane Doe and John/Jane Doe have not been identified or served.

4. The matter or amount in controversy in this suit exceeds the sum of \$75,000.00, exclusive of interest and costs. In her Original Petition, Plaintiff seeks damages "over \$250,000.00" *See* Plaintiff's Original Petition ¶ 22, attached as part of Exhibit A.

5. In her live Petition, Plaintiff claims she suffered serious bodily injuries as a result of claims against Defendants for premises liability and negligent activity. *See* Plaintiff's Original Petition ¶13, attached as part of Exhibit A. Plaintiff further alleges damages including: medical expenses in the past and future; physical pain in the past and future; mental anguish in the past and future; physical impairment in the past and future; physical impairment in the past and future; lost wage; and loss of earning capacity. *See id.*

6. This Notice of Removal will be provided to Plaintiff by service of a copy upon her counsel of record, in accordance with 28 U.S.C. §1446(d). Further, a copy of this Notice of Removal will be filed with the District Clerk of Harris County, in accordance with 28 U.S.C. §1446(d).

7. Therefore, Defendants The TJX Companies, Inc. and Marshalls of MA, Inc. pray that this cause be removed from the 215th Judicial District Court of Harris, Texas, to this Court, and for all other relief to which Defendants may be entitled.

Respectfully submitted,

HARTLINE BARGER LLP

/s/ Kevin B. Tompkins

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**ATTORNEYS-IN-CHARGE FOR
DEFENDANTS THE TJX COMPANIES, INC.
AND MARSHALLS OF MA, INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served upon the parties listed below by the method(s) indicated on June 9, 2021:

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/s/ Kevin B. Tompkins

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